IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 28TH JUNE 2007 / 7TH ASHADHA 1929

WP(C).No. 6551 of 2007(E)

PETITIONER:

LALU SEBASTIAN,
A WD NO.II, MUTHOOT, THIRUVALLA.

BY ADV. SRI.V.SIVASWAMY
SRI.K.I.MAYANKUTTY MATHER
SMT.S.LAKSHMY
SRI.SUNIL SHANKER

RESPONDENTS:

1. SECRETARY TO GOVERNMENT,
LOCAL SELF GOVERNMENT (E) DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

2. DISTRICT COLLECTOR,
PATHANAMTHITTA.

3. THOMAS CHACKO,
KOCHUTHUNDIYIL HOUSE, THEKKEMALA, KOZHENCHERRY.

4. SECRETARY,
PERINGARA GRAMA PANCHAYATH, PERINGARA,
THIRUVALLA, PATHANAMTHITTA.

BY ADV. SRI.S.SUBHASH CHAND
SRI.JACOB ARACKAL
G.P. SHRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/06/2007, A/W. W.P.C.NO.16071/07 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).Nos.6551 & 16071 of 2007

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Dated this the 28th day of June, 2007

J U D G M E N T

W.P(C).No.16071/2007 is filed by a person claiming to be a resident of Peringara Grama Panchayat in Thiruvalla Taluk, challenging the temporary licence stated to have been issued to the 5th respondent against the provisions of the Kerala Rationing Order, 1966. He seeks the following relief in this writ petition:

> "i. issue a writ of mandamus or any other appropriate writ order or direction commanding the 3rd respondent not to grant any further extension to the 5th respondent as provisional Wholesale Ration Distributor in Ramanchira in Thiruvalla, finding the same legally unsustainable and take alternate steps as per the provisions of the Kerala Rationing Order."

2. The petitioner in W.P(C).No.6551/2007 is the 5th respondent in W.P(C).No.16071/2007. His contention is that pursuant to a regular selection as AWD he was appointed as the AWD for the Thiruvalla Taluk. However, one Thomas Chacko and

others challenged the same in appeal before the appellate authority who upheld the appointment of the petitioner and later the Government also upheld the same. However, on a review petition the Government has passed an order directing consideration of the question as to whether the petitioner is a resident of the Peringara Grama Panchayat/ Municipality/ Corporation and directed the District Collector to consider the same. It is under the above circumstances that he has been allowed to continue on temporary basis and there is nothing illegal about it.

3. I have heard the learned counsel for the petitioners, learned Standing Counsel appearing for the Panchayat and the learned Government Pleader.

4. I think that without going into the controversies involved, these writ petitions can be disposed of with a direction to the District Collector, Pathanamthitta to consider the matter independently uninfluenced by any other orders.

This shall be done within a period of two months from the date of receipt of a copy of this judgment. Till final orders are passed, the present arrangement shall continue.

Writ petitions are disposed of as above.

Sd/-
sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.